

24. (Cancelled) The article as in claim 23, wherein the unit can absorb the aspirated ductal fluid from the nipple surface for analysis.

25. (Cancelled) A method of collection and analysis of breast duct fluid and detection of breast cancer or precancer comprising:

contacting a ductal orifice having a bead of ductal fluid on a nipple surface with a receiving unit of a sufficient dimension to isolate the ductal orifice, whereupon said unit absorbs the ductal fluid for analysis.

26. (Previously Presented) A device as in claim 1, wherein said diameter of said probe is between about 0.008 cm and about 0.040 cm.

27. (Previously Presented) A device as in claim 1, wherein said diameter of said probe is between about 0.012 cm and about 0.025 cm.

### **REMARKS/ARGUMENTS**

#### **Status of the Claims**

The Office Action of September 8, 2004 has been received and considered. Applicant thanks the examiner for indicating that the subject matter of claims 9, 10, and 12 is allowable if rewritten in independent form. Claims 1 and 10 have been amended. Claim 9 has been cancelled. Claims 1-8, 10-13, 26, and 27 remain pending. Reconsideration of the application in view of the following amendments and remarks is requested.

#### The Objection to the Drawings Should Be Withdrawn

The Drawings are objected to under 37 CFR 1.83(a) on the basis that they do not show every feature of the invention specified in the claims. Claim 9 has been cancelled to expedite prosecution, therefore Applicant respectfully requests that the Examiner withdraw the objection.

#### The Rejection Under 35 U.S.C. § 102 (a) Should Be Withdrawn

In the Office Action, claims 1-6 and 13 were rejected under 35 USC §102(b) as being unpatentable with respect to U.S. Pat. No. 5,623,942 to Pestes *et al.* The Office Action asserts that claims 9, 10 and 12 are objected to as being independent upon a rejected basis, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Claim 1 has been amended as suggested in the Office Action. Specifically, Claim 1 has been amended to include “wherein in said probe is rigid before entry into the breast duct, and flexible upon resistance in the duct.” Therefore, it is submitted that amended claims 1 and dependent claims 2-6, and 13 overcome the outstanding rejection and do not raise any new issues since Claim 1 merely incorporates the amendment suggested in the Office Action. Withdrawal of the rejection is requested.

#### The Rejection Under 35 U.S.C. § 103(a) Should Be Withdrawn

Claims 7-8, 26 and 27 were rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 5,623,942 to Pestes *et al.* in view of U.S. Pat. No. 4,616,656 to Nicholson *et al.* As mentioned above, Claim 1 has been amended to include “wherein in said probe is rigid before entry into the breast duct, and flexible upon resistance in the duct.” Claims 7-8, 26 and 27 all depend from Claim 1. Therefore, it is submitted that amended claim 1 and dependent claims 7-8,

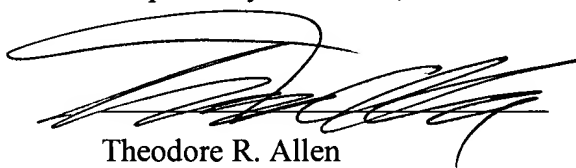
26 and 27 overcome the outstanding rejection and does not raise any new issues since Claim 1 merely incorporates the amendment suggested in the Office Action. Withdrawal of the rejection is requested.

### **CONCLUSION**

For all of the above-discussed reasons, Applicant respectfully submits that claims 1-8, 10-13, 26, and 27 are allowable and that the application is now in condition for allowance. A notice to this effect is earnestly solicited. It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 502855, accordingly. If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference with Applicant, the Examiner is invited to contact Applicant's attorney at the number noted below.

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Respectfully submitted,



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